

1 Larry A. Hammond, 004049
2 Anne M. Chapman, 025965
3 OSBORN MALEDON, P.A.
4 2929 N. Central Avenue, 21st Floor
5 Phoenix, Arizona 85012-2793
6 (602) 640-9000
7 lhammond@omlaw.com
8 achapman@omlaw.com

9 John M. Sears, 005617
10 P.O. Box4080
11 Prescott, Arizona 86302
12 (928) 778-5208
13 John.Sears@azbar.org

14 Attorneys for Defendant

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA

Plaintiff,

vs.

STEVEN CARROLL DEMOCKER,

Defendant.

) No. P1300CR20081339

) Division 6

) **REPLY IN SUPPORT OF**
) **MOTION IN LIMINE RE**
) **HUANTE AND BROWN**
) **RECONSTRUCTIONS**

23 The State's response makes no reference to the Brown reconstruction, and
24 accordingly, Mr. DeMocker requests that his motion be granted as to that matter.

25 The State contends that the Huante bike ride video should be admissible,
26 however, because it was based in part on information received from Mr. DeMocker's
27 girlfriend who told them that he had showed her where a portion of the ride took
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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

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JEANNE HICKS, CLERK /

BY: V. Adams

1 place. The State ignores the fact that on the night in question, Mr. DeMocker himself
2 told them exactly where he had ridden and drew them a map on a whiteboard in the
3 interview room. Detectives, who were unfamiliar with the area, asked him detailed
4 questions about his route, which he answered for them. The Huante ride, however,
5 did not follow the route they were given. It started not where Mr. DeMocker told
6 them he began, and ended at a place far short of where he told them he ended his ride
7 that night. Further, there was no effort made to match the test rider to Mr.
8 DeMocker's actual riding abilities, to put him on the same bike, to match the weather
9 and trail conditions, or to have him wear the same type of cycling shoes. Nonetheless,
10 the State wants to argue that Mr. DeMocker lied to them about the length of time he
11 spent riding that night because their reconstruction with all of the noted dissimilarities
12 took less time to complete. The purpose, then, of this reconstruction is not to portray
13 the location to the jury, but to discredit Mr. DeMocker's statements. This is exactly
14 why Arizona law has long required a demonstration or reenactment to be substantially
15 similar to the event in question. That is not the case here as to the Huante ride, and it
16 should be precluded.
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21 DATED this 8th day of January, 2010.

22 By:

23 
24 John M. Sears
25 P.O. Box 4080
26 Prescott, Arizona 86302
27 (928) 778-5208

28 OSBORN MALEDON, P.A.
Larry A. Hammond

Anne M. Chapman
2929 N. Central Avenue, Suite 2100
Phoenix, Arizona 85012-2793

Attorneys for Defendant

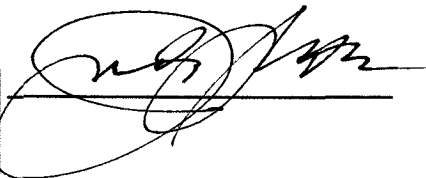
ORIGINAL of the foregoing filed
this 8th day of January, 2010, with:

Jeanne Hicks
Clerk of the Court
Yavapai County Superior Court
120 S. Cortez
Prescott, AZ 86303

COPIES of the foregoing hand delivered
this 8th day of January, 2010, to:

The Hon. Thomas B. Lindberg
Judge of the Superior Court
Division Six
120 S. Cortez
Prescott, AZ 86303

Joseph Butner, Esq.
Office of the Yavapai County Attorney
Prescott courthouse drawer

A handwritten signature in black ink, appearing to read 'Joseph Butner', is written over a horizontal line. The signature is stylized with loops and flourishes.